

**ZONING BOARD OF ADJUSTMENT
JANUARY 4, 2017 MEETING
DRAFT MINUTES**

Board members present included Chair Christopher Carley, Nicholas Wallner, Robert Harrison Jr. and Andrew Winters. New member Amy Ireland Bourgault sat in observation capacity. Also present: Zoning Administrator Craig Walker and Clerk of the Board Rose Fife.

45-16 Peter Tawney: Applicant wishes to convert an existing residential building to a mixed use of general office (use F-1) and 1 apartment and requests Variances to:

- 1) Article 28-7-1, General Provisions (Access, Circulation, Parking and Loading Requirements) to allow a change of use without bring the parking into compliance with current requirements;
- 2) Article 28-7-2(e), Table of Off-street Parking Requirements, to provide 5 non-compliant parking spaces on-site where 5 compliant spaces would be required;
- 3) Article 28-7-5, Requirements for Handicapped Parking Spaces to provide no compliant accessible spaces where one 1 van accessible space is required;
- 4) Article 28-7-7(a), Standard Parking Spaces, to provide 5 stacked parking spaces with 4 of the spaces being 16.5' x 8' when standard parking spaces of 19' x 9' are required;
- 5) Article 28-7-7(e), Minimum Aisle Width, to provide parking with no aisles for internal maneuvering when aisle widths of 24 feet are required;
- 6) Article 28-7-7(f), Driveway Widths, to permit a driveway with a 16' width where a minimum of 24' is required;
- 7) Article 28-7-7(g)(2), Setbacks From Lot Lines, to permit parking within 5' of the front property line where a minimum 10' setback is required and no setback from the north easterly property line when a 5' setback is required;
- 8) Article 28-7-8(a), Restrictions on Backing into a Street, to permit a parking configuration that requires entering or exiting the parking area by backing and maneuvering in the street;
- 9) Article 28-7-10, Parking lot perimeter Landscaping to provide no landscaping along the front or north easterly sides of the parking area where a 10' and 5', respectively, landscaped strip is required; and
- 10) Article, 28-7-14, Off-street Loading area for Refuse Containers, to provide no complying onsite refuse container locations where an enclosed refuse container area that is accessible without requiring the vehicle to maneuver in the road;

All for property located at 15 West Street in a CU Urban Commercial District.

Peter Tawney testified. He has a Purchase and Sales on the property. He would like to move his accounting firm from Manchester to this property and have one apartment there. His firm has 4 employees (plus himself), 2 work in the office and 2 work out of their homes in Manchester. They do not have clients come into the office. They go to the client's home and usually go for a full day. Stacking vehicles will not present a problem for them. They would like their office in Concord. All the vehicles will be off the road. Most of their work is done on computers and it is a very quiet business. They will not be taxing City services.

Carley asked Walker if the apartment would require 2 parking spaces. Walker said yes. Carley wanted to clarify that he would like 5 parking spaces. He said yes. He said the business would be upstairs and the apartment would be downstairs. Carley asked about neighbors. Mr. Tawney said there is a business east of the property, a multi-tenant building next door and across the street. Walker said there are insurance offices in the area, a pizza parlor, and commercial operations. Carley asked if they were 2 families or 3 family homes across the street. Mr. Tawney isn't sure. Walker said 2 and 3 family homes were in the area. Winters asked if they would be adding one additional parking spot. He said yes, and it would go in front of another vehicle further into the property. Winters asked if the tenants would have two stacking spots on the left and three on the right would be for the business. Mr. Tawney said correct. Wallner asked if other properties in the neighborhood backed into the street. Mr. Tawney wasn't sure. Bourgault asked about the number of employees. Mr. Tawney explained there would be 3 in the office but not always. Bourgault asked if there were tenants currently there. Mr. Tawney said yes, an owner and a tenant and now it's just the owner.

In favor: Tim Larabee, 15 West Street. He is one of the current owners. He approves of this use. He is a real estate broker. This is a very low impact use. It will not generate a lot of traffic. It is a quiet use. He and his partner have owned the property for a long time.

In opposition: Renee Robertie, who owns a duplex across the street. She isn't for or against, but would like to understand. Her concerns are regarding backing into the street. It is a narrow one way street. Traffic during commuter time is often backed up. She wasn't clear on the landscaping aspect of the request either. It is a residential area and businesses aren't visible and she was wondering what their landscaping intent was. Carley asked if her tenants had to back into the street. She said no. Winters asked if the subject property were utilizing backing into the street now. She wasn't sure. She asked about the handicap space. If approved does it preclude a handicap space if another business came in in the future. Carley said only if it were the same use.

Comments from Code: none.

Rebuttal: Mr. Tawney spoke about backing into the street. Most times there would be 2 cars, at times 3 cars and they would be backing out after business hours. There is room for them to back out. As far as the landscaping goes, the way the street and sidewalks are configured there really isn't room for any landscaping. Carley asked if the lawn in front of the building would stay. Mr. Tawney said yes. Any signage would also have to be placed so as to not affect the visibility of backing into the street.

DECISION: A motion to grant was made by Harrison, seconded by Wallner and passed by a 4-0 vote.

Wallner felt the character of the neighborhood plays to the spirit of the ordinance. They have landscaping in the front. The use would generate less refuse than 2 tenants would. Winters said this is consistent with the neighborhood. There is no way to change the use and make it conform. No matter who uses the property these variances would be necessary. He feels it is a reasonable use.

46-16 Konstandinos (Kosta) and Alexandra Luzis: Applicant wishes to remove and existing attached "shed" and replace with a larger attached "shed" and requests a variance to Article 28-4-1(h), The Table of Dimensional Regulations, to permit the enlarged replacement structure to within 3' +/- of the rear property line and 5' +/- from the northerly side property line with rear setbacks of 30' and side setbacks of 10' are required for property at 87 North Spring Street in a CN Neighborhood Commercial District.

Testified: Konstandinos (Kosta) Luzis. He has limited space. The back of the house used to be a barn. The property doesn't have a square inch of lawn. There is no room to do anything. His mother is elderly now and has limited mobility. They would like to make the shed a little bigger. The trees are now gone as the limbs were rotted and removed. The shed would be 1 foot wider and 3 feet longer than the existing shed. Carley asked for clarification of the shed's location. He said the shed is up against the barn. Carley asked if it would not get closer to the neighbors. He said there was a fence there that was rotted and the fence was further away than where the shed will be. Harrison asked if it wouldn't be sticking out further. He said it would go more towards the rear of the property. His property abuts his sister's home. Bourgault asked if he backed up to the Laundromat. He said yes.

In favor: none.

In opposition: none.

Comments from Code Administration: Walker wanted to note that the lines on the GIS mapping are not truly accurate.

DECISION: A motion to grant the request was made by Harrison, seconded by Wallner and passed by a unanimous vote.

Carley reiterated that the shed was already in violation of the setback and the applicant would like to increase it 1 foot and 3 foot. The owner would like to expand the shed for the convenience of an elderly owner.

Harrison felt it was a reasonable use and consistent with what is taking place in the neighborhood. The Board saw a case in that neighborhood a few months ago.

MINUTES: A motion to grant the Minutes from December 2016's meeting was made by Wallner, seconded by Harrison and passed by a 4-0 vote.

NON-AGENDA ITEM: 239 Loudon Road case came before the Board in June 2016. The variances were to maintain the parking in the front of the building. The original site plan had 2 driveways on it. The Planning Board required them to remove the second driveway on the easterly side. They would like to fill in that area with 2 or 3 additional parking spaces where the former driveway was. This is a modest modification of the plan that was before and approved by the Board. Carley asked who the appellant was. Walker said the appellant was, Konstantopoulos, represented by Richard Uchida and Jeff Burd. Harrison is fine with the modification. Carley sees no problem. A motion that the minor modification to the site plan was consistent with the original approval was made by Harrison, seconded by Wallner and passed by a 4-0 vote.

A TRUE RECORD ATTEST,

Rose M. Fife, CLERK
ZONING BOARD OF ADJUSTMENT